



Docket No.: 250308/1020
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
)
Jongsma, et al.) Group Art Unit: 1638
)
Serial No.: 09/445,480) Examiner: A. Kubelik
)
Filed: July 7, 2000)
)
For: A Method for Plant Protection)
Against Insects or Nematodes)

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#17
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on January 3, 2002.

H. Chin Barnhill
Signature: Hui Chin Barnhill

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REMARKS

The Office Action mailed **December 3, 2001**, issued a restriction requirement alleging that claims 1-23 of the patent application are allegedly directed to four distinct claim groups. Applicants respectfully traverse this restriction, and therefore make their election with traverse. In this regard, Applicants provisionally elect Group II (Claims 8-18). In traversing this rejection, Applicants note that no such rejection had been set forth by the International Preliminary Examination report, issued by the European Patent Office in the corresponding European patent application.

Further, Applicants respectfully submit that the search and examination of claims 1-7, and 19-23 will encompass the same class and subclass as the search and examination of claims 8-18 (the elected claim group). Accordingly, the examination burden will not be significantly increased to the Patent Office in considering and examining all claims of the presently-pending application in a single examination. Furthermore, requiring the Applicants to file up to four separate patent applications to protect the presently-claimed invention will impose an unreasonable financial burden on the Applicants.

Accordingly, Applicants respectfully request that the restriction be withdrawn and the Patent Office examine all claims 1-23 of the present application.

CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this response. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,



Daniel R. McClure
Registration No. 38,962

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Parkway N.W., Suite 1750
Atlanta, Georgia 30339
(770) 933-9500